

28. How has this experience affected your feelings about the criminal justice system? N/A
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_ No X  
If so, please describe the relationship? \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? 15-22 years
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. NO
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain. NO

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a.  in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain: Premeditated and deliberate

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

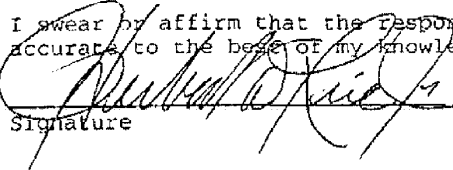
37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?   
Please explain. COMPLETELY BASED ON CIRCUMSTANCES AND EVIDENCE.

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much   X   Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 101

# EXHIBIT 101

Badge #  
030782

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

101177456 030782  
JUROR NUMBER    BADGE NO.

Tamara Dee Chiangi  
PRINT NAME

1961  
DATE OF BIRTH

00136862

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

*Sally Cochran*  
\_\_\_\_\_  
District Court Judge

*9-30-05*  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

1. Your full name: Tamara Dee Chiang,
2. Your age: 44 yrs. old
3. Your place of birth: Covina, California
4. Your marital status (married divorced, single, separated):  
20 yrs.

5. Children: (names not required)

Age	Sex	Education	Occupation
<u>25 yrs.</u>	<u>F</u>	<u>Grad. high school -</u>	<u>works in a bank</u>
<u>22 yrs.</u>	<u>M</u>	<u>High School Grad -</u>	<u>Takes classes @ e.c.e.c. - works part time</u>
<u>18 yrs.</u>	<u>M</u>	<u>High School Grad -</u>	<u>Takes classes @ e.c.e.c. - works @ Panera Bread</u>
<u>17 yrs.</u>	<u>F</u>	<u>Senior in High School -</u>	<u>Also works @ Panera Bread</u>
<u>14 yrs.</u>	<u>F</u>	<u>Freshman in High School -</u>	

6. How long have you lived in the Las Vegas Metropolitan area?  
 moved here in Summer of 1977-Just turned 16 yrs old  
 moved to Scottsdale AZ for 4 yrs, 1999-2002. moved  
 back to Henderson in June 2002. so I've lived here  
 a total of 24 yrs.
7. Without listing an address, please describe your neighborhood.  
 (I guess you could say it's)  
 I live in a well-to-do affluent neighborhood  
 with a gated-Homeowners association community. We  
 feel very lucky + blessed to live where we do.
8. What is the highest grade you have completed? 12<sup>th</sup> Grade
9. Did you attend College or University? NO  
 If so, please list which college, what degree(s) you received,  
 and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: Took an accounting class @ C.C.C.C + ~~passed~~  
passed it when I was 19. Needed it for my job.
11. What is the education level of your spouse or person you are  
 living with? None Again, please list any advanced degrees and areas  
 of study: Graduated from Valley High School. Has been  
in Sales of some kind all his adult life. Has taken  
courses related to his training + is very good at  
what he does.
12. If you have taken courses or had training in any of the  
 behavioral sciences (e.g. psychology, sociology, counseling or  
 similar areas), please identify such courses/training by title  
 and subject matter: NO
13. If you have taken courses or had training in any of the legal  
 fields, (i.e. law, administration of justice, corrections, law  
 enforcement), please identify such courses/training by title  
 and subject matter: NO
14. If you have taken courses or had training in any of the medical  
 sciences, and in particular the medical specialty of  
 psychiatry, please identify such courses/training by subject  
 matter or title: NO



15. Please describe anything you remember about this case that you may have heard from any media source. Nothing

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

N/A

Branch	Dates	Position/Rank	Duties

N/A 18. Were you ever a member of the military police or shore patrol?  
NO

N/A 19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No \_\_\_ If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:  
Father-in-law retired from L.V. Metro after 31 yrs. of service - we don't communicate on any level about anything.

N/A 22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: I never have been a juror before.

N/A 23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

24. In general, what are your opinions and feelings about how the criminal justice system works? For the most part I feel it works as it should.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_\_\_ No   
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. yes -  
We were sued by my husbands former Co. when we started our own Co. in AZ - They did not want the competition + took us to court.

N/A 27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? \_\_\_\_\_

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? Our next door neighbors are of mixed race - Tracy is white - John is black + their son Devin

having them as our neighbors.

~~When was the last time you hosted someone of a different racial background in your home?~~ When was the last time you hosted someone of a different racial background in your home? This past July 4<sup>th</sup> we spent having John, Tracy, Devin over for a barbeque + swim. They are our closest friends in that neighborhood - Tracy does our hair, we exchng. treats.

31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NO

32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
NO

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. yes - I would be open to considering all four forms of punishment depending on the evidence presented in a penalty phase.

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

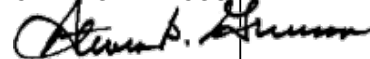
Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat ✓ \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Jamara Dee Chungji  
Signature

10-5-05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



1 **EXHS**  
2 RENE L. VALLADARES  
3 Federal Public Defender  
4 Nevada Bar No. 11479  
5 JOANNE L. DIAMOND  
6 Assistant Federal Public Defender  
7 California Bar No. 298303  
8 Joanne\_Diamond@fd.org  
9 BENJAMIN H. MCGEE, III  
10 Assistant Federal Public Defender  
11 Mississippi Bar No. 100877  
12 Humphreys\_McGee@fd.org  
13 RANDOLPH M. FIEDLER  
14 Assistant Federal Public Defender  
15 Nevada Bar No. 12577  
16 Randolph\_Fiedler@fd.org  
17 411 E. Bonneville, Ste. 250  
18 Las Vegas, Nevada 89101  
19 (702) 388-6577  
20 (702) 388-5819 (Fax)

21 Attorneys for Petitioner

22 DISTRICT COURT  
23 CLARK COUNTY, NEVADA

\* \* \* \* \*

24 MARLO THOMAS,  
25  
26 Petitioner,

27 v.

28 TIMOTHY FILSON, Warden, and ADAM  
29 PAUL LAXALT, Attorney General of the  
30 State of Nevada,

31 Respondents.

Case No. 96C136862-1  
Dept No. XXIII

**EXHIBITS IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS  
CORPUS**

**(EXHIBITS 102-113)**

(Death Penalty Habeas Corpus Case)

32 Non-Seated Jurors:  
33

- 1 102. Jury Questionnaires of remaining un-seated jurors, State of Nevada v. Marlo  
2 Thomas, District Court, Clark County, Nevada Case No. C136862
- 3 103. Investigative Memorandum, Interview of Witness Rebecca Thomas conducted  
4 by Tena S. Francis (October 25, 2011)
- 5 104. Itemized Statement of Earnings, Social Security Administration Earnings  
6 Record Information, Marlo Thomas
- 7 105. Home Going Celebration for Bobby Lewis (January 23, 2012)
- 8 106. Division of Child & Family Services, Caliente Youth Center Program  
9 Information
- 10 107. Declaration of Jerome Dyer (July 14, 2011)
- 11 108. Investigation of Nevada Youth Training Center, Department of Justice,  
12 Signed by Ralph F. Boyd, Jr., Assistant Attorney General (Conducted  
13 February 11-13, 2002)
- 14 109. Photograph of Darrel and Georgia Thomas
- 15 110. Photograph of Georgia Thomas' Casket
- 16 111. Photograph of Larry Thomas
- 17 112. Photograph of Marlo Thomas as an adolescent
- 18 113. Photograph of Marlo Thomas as a child
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**CERTIFICATE OF SERVICE**

In accordance with EDCR 7.26(a)(4) and 7.26(b)(5), the undersigned hereby certifies that on October 20, 2017, a true and accurate copy of the foregoing EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS was filed electronically with the Eighth Judicial District Court and served by Odyssey EFileNV, addressed as follows:

Steven S. Owens  
Chief Deputy District Attorney  
motions@clarkcountyda.com  
Eileen.davis@clarkcountyda.com

In accordance with EDCR 7.26(a)(1), the undersigned hereby certifies that on this October 20, 2017, a true and correct copy of the foregoing EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT was served by United States Mail/UPS, postage prepaid, and addressed as follows:

Jeffrey M. Conner  
Assistant Solicitor General  
Office of the Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 8701-4717

Timothy Filson, Warden  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301

/s/ Jeremy Kip  
An Employee of the  
Federal Public Defender,  
District Of Nevada



**EXHIBIT 102**

**EXHIBIT 102**

030950

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

100675710    030950  
 JUROR NUMBER    BADGE NO.

Albert Benskin  
 PRINT NAME

53  
 DATE OF BIRTH

C0136862

Dear Prospective Juror:

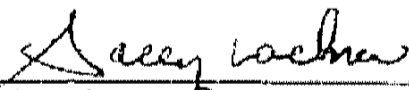
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

NO

1. Your full name: Albert BenSKIN
2. Your age: 52
3. Your place of birth: L.A., Cal
4. Your marital status (married, divorced, single, separated):
5. Children: (names not required)  

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
28 y.
7. Without listing an address, please describe your neighborhood.  
Maryland PK and Area.
8. What is the highest grade you have completed? 12
9. Did you attend College or University? NO  
If so, please list which college, what degree(s) you received,  
and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? \_\_\_\_\_  
If so, explain: Driving School
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. Art
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: NO
13. If you have taken courses or had training in any of the legal  
fields. (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: NO
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: NO

15. Please describe anything you remember about this case that you may have heard from any media source. ?

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

NO

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain: ?

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects: ?

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO

24. In general, what are your opinions and feelings about how the criminal justice system works? ?

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes X No       
If yes, do you feel that person was treated fairly by the judicial system? ?

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? ? If yes, please explain.     

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?  
yes NO

28. How has this experience affected your feelings about the criminal justice system? ?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_\_\_ No NO  
 If so, please describe the relationship? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.



The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_\_\_ No NO  
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it,  
e. oppose to it under any circumstances.

Please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_\_\_ No X  
Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_\_\_ No X

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. YUP  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure  \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Albert Benstein  
Signature

10-5-05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

030647

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

101011029  
JUROR NUMBER

030647  
BADGE NO.

Lilibeth Rafanan  
PRINT NAME

64  
DATE OF BIRTH

493-0434-  
wamy # given  
- no other #

00136862

Dear Prospective Juror:

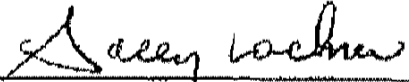
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

I have three young children who depends on me  
I am a homemaker who take care of them everyday  
Dropping my twins to school & picking them up after school while taking  
 Is there any reason that you could not sit as a juror on this case?  
My husband is with me & 9 months old in between.

1. Your full name: Lilibeth L. Rafanan
2. Your age: 40 yrs. old
3. Your place of birth: Philippines
4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

	Age	Sex	Education	Occupation
Twins	5 yrs old	M	Kindergarten	
	5 yrs old	F	Kindergarten	
	9 months old	F		

6. How long have you lived in the Las Vegas Metropolitan area?  
4 yrs
7. Without listing an address, please describe your neighborhood.  
Quiet + Nice neighborhood
8. What is the highest grade you have completed? College in the Philippines
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received, and your major: Central Phil University (Philippines)  
B.S. Social Work
10. Have you received any other special training or schooling? Real Estate School  
 If so, explain: Real Estate School
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study.  
College Education
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: College course in the Philippines  
maybe 15 yrs ago
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: NO
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: NO

15. Please describe anything you remember about this case that you may have heard from any media source.

I have not heard about this case on kids TV

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

NO

18. Were you ever a member of the military police or shore patrol?

NO

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: \_\_\_\_\_

NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

NO

24. In general, what are your opinions and feelings about how the criminal justice system works? \_\_\_\_\_

Sometimes Fair  
Sometimes not

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_\_\_ No   
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_\_\_\_\_

NO

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? \_\_\_\_\_

NO



28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
 If so, please describe the relationship? \_\_\_\_\_  
 \_\_\_\_\_  
*Sometimes OK. Sometimes not because of the language gap.*
30. When was the last time you hosted someone of a different racial background in your home? \_\_\_\_\_  
 \_\_\_\_\_  
*NAL. yet*
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
*No*
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
*No*

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c.  would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_\_\_ No \_\_\_\_\_

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. Yes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Bridget 030880

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

10022570  
JUROR NUMBER

030880  
BADGE NO.

Ruby Wertz  
PRINT NAME

1967  
DATE OF BIRTH

NO #

C0136862

Dear Prospective Juror:

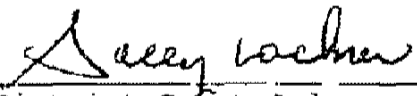
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If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge

9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

I am a clinical nursing instructor and I have clinical with my students 2 1/2  
day Thursday and 1/2 day Fri and Sat with no other clinical instructor to cover for me.  
I also have a newborn that I can breast feed.

Is there any reason that you could not sit as a juror on this case?

Other than above, No.

1. Your full name: Ruby Ann Wertz

2. Your age: 38

3. Your place of birth: Pennsylvania

4. Your marital status (married, divorced, single, separated):  
Divorced

5. Children: (names not required)

Age	Sex	Education	Occupation
<u>4 months</u>	<u>F</u>	<u>N/A</u>	<u>N/A</u>

C0136862

6. How long have you lived in the Las Vegas Metropolitan area?  
Since 1993 (over 10 years)
7. Without listing an address, please describe your neighborhood.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
8. What is the highest grade you have completed? Graduate School (Master's)
9. Did you attend College or University? Yes  
 If so, please list which college, what degree(s) you received, and your major: Bloomington University / BSN (Nursing) / University of St. Francis / Master's in Health Service Administration (MHA)
10. Have you received any other special training or schooling? No  
 If so, explain: \_\_\_\_\_
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. High School Graduate
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: In College I had psychology and sociology to obtain my BSN.
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: In College I had a class on law as it pertained to Healthcare Administration for my Master's
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: In College I had a course on Mental Health & had a rotation in psychiatric facilities (for my BSN)

C0136862

15. Please describe anything you remember about this case that you may have heard from any media source. Nothing comes to mind at present.

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

N/A

18. Were you ever a member of the military police or shore patrol?

N/A

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

Brother-in-law of my boyfriend are police officers (MUTM and SWAT), see occasionally we talk about law-related matters



22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: I was a juror in San Diego California - It was a civil matter and we reached a verdict

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO - It was a good experience

24. In general, what are your opinions and feelings about how the criminal justice system works? It has its flaws, however for the most part it works well.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. No

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? No

28. How has this experience affected your feelings about the criminal justice system? N/A
29. Do you have any relatives or close friends of a different racial background than your own? Yes  NO   
 If so, please describe the relationship? Best friend - Latino Ex-husband  
African American, many friends of all races (Asian/Latino/African American)
30. When was the last time you hosted someone of a different racial background in your home? About 1 month ago
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
No
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
No

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

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- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes  No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:

Death penalty is a consequence that is available to us when a crime is severe  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. No - In some instances, it is a necessary punishment  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes  No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes  No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. Yes - Not every crime requires the death penalty  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat   ✓   \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

*[Handwritten Signature]*  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

952

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

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JURY QUESTIONNAIRE

100730140      030952  
 JUROR NUMBER      BADGE NO.

BENJAMINE CORONADO  
 PRINT NAME

DATE OF BIRTH      1951

00136862

Dear Prospective Juror:

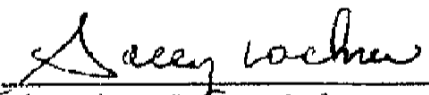
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Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge

9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Has to work / income depending on tips.

Is there any reason that you could not sit as a juror on this case?

I don't understand much about the system.

1. Your full name: BENJAMINE CORONADO

2. Your age: 53

3. Your place of birth: MANILA, PHIL

4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age	Sex	Education	School	Occupation
<u>29</u>	<u>M</u>	<u>High School</u>	<u>Waco</u>	<u>unemployed</u>
<u>27</u>	<u>F</u>	<u>College</u>		<u>student</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
20 years
7. Without listing an address, please describe your neighborhood.  
Quiet, Friendly
8. What is the highest grade you have completed? College
9. Did you attend College or University? YES  
If so, please list which college, what degree(s) you received,  
and your major:  
1st Year - Undergraduate
10. Have you received any other special training or schooling? NO  
If so, explain: \_\_\_\_\_
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. N/A
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: N/A
13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: N/A
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: N/A



15. Please describe anything you remember about this case that you may have heard from any media source. N/A

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties: N/A

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

18. Were you ever a member of the military police or shore patrol? N/A

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings? N/A

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: YES NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO

24. In general, what are your opinions and feelings about how the criminal justice system works? \_\_\_\_\_

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO Don't Remember.

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No \_\_\_\_\_  
 If so, please describe the relationship? \_\_\_\_\_  
 FRIENDS /
30. When was the last time you hosted someone of a different racial background in your home? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No NO  
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No \_\_\_

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No \_\_\_

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

*Raymond Lewis*  
Signature

10-05-25  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

030870

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

10150473      030870  
 JUROR NUMBER      BADGE NO.

Thomas M. Hilly  
 PRINT NAME

72  
 DATE OF BIRTH

00136862

Dear Prospective Juror:

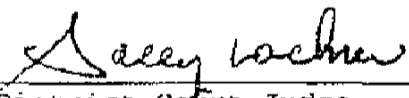
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

I work & need to pay my bills

Is there any reason that you could not sit as a juror on this case?

1. Your full name: Thomas R. Mitzky
2. Your age: 33
3. Your place of birth: Plymouth Meeting PA 19462
4. Your marital status (married, divorced, single, separated):  
Single
5. Children: (names not required)  

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>



6. How long have you lived in the Las Vegas Metropolitan area?  
2 years
7. Without listing an address, please describe your neighborhood.  
very quiet & nice
8. What is the highest grade you have completed? 12 years
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received, and your major: Regional Education, Instructional Techn  
a degree in Education
10. Have you received any other special training or schooling?   
 If so, explain: Microsoft Certified
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. Single - Undergrad
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: No
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: No
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: No

15. Please describe anything you remember about this case that you may have heard from any media source.

*I know about it  
hasn't had cable picked up yet & don't watch it  
except for TVDS*

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

*NO*

18. Were you ever a member of the military police or shore patrol?

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No \_\_\_ If yes, please explain:

*Knights of Columbus*

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO

24. In general, what are your opinions and feelings about how the criminal justice system works? I believe that the system works in most cases

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? yes - don't know much about it

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes   X   No \_\_\_\_\_  
 If so, please describe the relationship? \_\_\_\_\_  
We are all equal I had paper knowledge before
30. When was the last time you hosted someone of a different racial background in your home? a month ago
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
just needs the facts of the case
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
No - we are all equal

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

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33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a) in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

The society kills somebody, why should they live.

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?

Please explain. I try to have a clear view of all issues

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. yes, take see options. I believe people can help with their punishment

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat   *J*  \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  *Thomas R. Maly*  \_\_\_\_\_  
Signature

  10-508  \_\_\_\_\_  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

030830

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

100805130  
JUROR NUMBER

030830  
BADGE NO.

Jessie Storek  
PRINT NAME

57  
DATE OF BIRTH

CO 136862

Dear Prospective Juror:

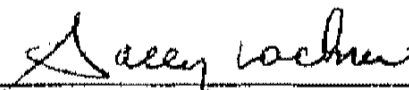
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

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If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date



SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

*Financial Hardships*

- 1. Your full name: *Jessie Elizabeth Storck*
- 2. Your age: *54*
- 3. Your place of birth: *Kansas*
- 4. Your marital status (married, divorced, single, separated):  
*married*

5. Children: (names not required)

Age	Sex	Education	Occupation
<i>24</i>	<i>F</i>	<i>High School</i>	<i>Sales</i>
<i>27</i>	<i>F</i>	<i>High School</i>	<i>Sales</i>

CO136862

6. How long have you lived in the Las Vegas Metropolitan area?  
10 year
7. Without listing an address, please describe your neighborhood.  
quiet
8. What is the highest grade you have completed? 12<sup>th</sup>
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received,  
 and your major: LA Valley College 1/2 Semester  
none
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: none
11. What is the education level of your spouse or person you are  
 living with? Again, please list any advanced degrees and areas  
 of study. High school
12. If you have taken courses or had training in any of the  
 behavioral sciences (e.g. psychology, sociology, counseling or  
 similar areas), please identify such courses/training by title  
 and subject matter: no
13. If you have taken courses or had training in any of the legal  
 fields, (i.e. law, administration of justice, corrections, law  
 enforcement), please identify such courses/training by title  
 and subject matter: no
14. If you have taken courses or had training in any of the medical  
 sciences, and in particular the medical specialty of  
 psychiatry, please identify such courses/training by subject  
 matter or title: no

15. Please describe anything you remember about this case that you may have heard from any media source. none

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

N/A

18. Were you ever a member of the military police or shore patrol?  
no

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: \_\_\_\_\_

*no*

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

*N/A*

24. In general, what are your opinions and feelings about how the criminal justice system works? \_\_\_\_\_

*slow but just in most cases*

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_\_\_ No    
 If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_\_\_\_\_

*N/A*

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? \_\_\_\_\_

~~yes~~ *yes my mother, so  
nothing was ever done*

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_ *possible* \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_\_\_ No X  
 If so, please describe the relationship? \_\_\_\_\_  
 \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? \_\_\_\_\_  
 \_\_\_\_\_ ? \_\_\_\_\_
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
 \_\_\_\_\_ *possible: my mother was mugged by* \_\_\_\_\_  
 \_\_\_\_\_ *2 African American males* \_\_\_\_\_
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
 \_\_\_\_\_ *possible not sure* \_\_\_\_\_  
 \_\_\_\_\_

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

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- B. Life imprisonment with the possibility of parole;
- C Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c.  would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:

mass ~~murder~~ murder

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. no

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

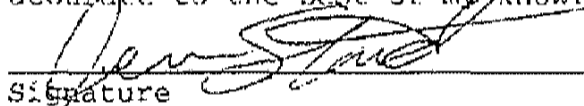
37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. no - they should not have the possibility of parole

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All    X     
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature \_\_\_\_\_ Date 10.5.05

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

101468342  
030798

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

<u>101468342</u>	<u>030798</u>	<u>AMANDA BOBBITT</u>
JUROR NUMBER	BADGE NO.	PRINT NAME
		<u>86</u>
		DATE OF BIRTH

CO 136862



Dear Prospective Juror:

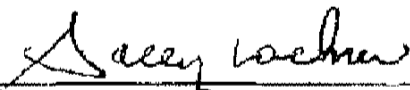
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

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Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge

9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

I HAVE A VERY IMPORTANT JOB TITLE IT WILL BE OUR FAST SEASON AND I HAVE WORKED THERE FOR FOUR YEARS. I HAVE RENT AND IT WOULD BE HARD TO PAY <sup>TAKING</sup> <sub>OFF</sub>  
Is there any reason that you could not sit as a juror on this case?

I HAVE BILLS TO PAY, BEING SO YOUNG AND GOING TO SCHOOL I HAVE TO WORK EVERY CHANCE I GET.

1. Your full name: AMANDA BOBBITT
2. Your age: 19
3. Your place of birth: GREEN RIVER WYOMING
4. Your marital status (married, divorced, single, separated):  
SINGLE
5. Children: (names not required)
 

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>

6. How long have you lived in the Las Vegas Metropolitan area?

16 YEARS

7. Without listing an address, please describe your neighborhood.

I BASICALLY LIVE IN A RUFF NEIGHBORHOOD MY  
APARTMENT COMPLEX IS NICE BUT THERES ALOT OF  
TROUBLE WHERE I LIVE

8. What is the highest grade you have completed? 12

9. Did you attend College or University? \_\_\_\_\_  
If so, please list which college, what degree(s) you received,  
and your major: \_\_\_\_\_

10. Have you received any other special training or schooling? YES  
If so, explain: I DO CONSTRUCTOR SALES AND  
LANDSCAPE DESIGN.

11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. MY ROOMATE GOES TO UNLV AND HIS  
MAJOR IS BUSINESS

12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: \_\_\_\_\_

13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: \_\_\_\_\_

14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: \_\_\_\_\_

15. Please describe anything you remember about this case that you may have heard from any media source. NONE

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
		X	

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

~~NOT ANSWERED~~  
FINISHED ON NEXT PAGE.

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

I BABYSIT HER KIDS ON MY DAYS OFF (ONCE A MONTH)

MY ROOMMATE WHICH IS MY BEST  
FRIEND WAS IN A CAR ACCIDENT WHICH  
KILLED HIS GIRLFRIEND OF FIVE YEARS.  
I GO TO A CLASS WITH HIM ABOUT  
DRIVING SAFETY AND DRUNK DRIVING. BUT  
HE WAS NOT DRIVING AND DRIVING

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: \_\_\_\_\_

\_\_\_\_\_ X \_\_\_\_\_

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

\_\_\_\_\_ X \_\_\_\_\_

24. In general, what are your opinions and feelings about how the criminal justice system works? ? \_\_\_\_\_

\_\_\_\_\_

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes X No NO  
If yes, do you feel that person was treated fairly by the judicial system? YES, HIS CAR ACCIDENTED THEY GAVE HIM COMMUNITY SERVICE. I THINK ITS FAIR BECAUSE HE LOVED HER AND IT WAS A ACCIDENT

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_\_\_\_\_

\_\_\_\_\_ X \_\_\_\_\_

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? \_\_\_\_\_

\_\_\_\_\_ NO \_\_\_\_\_

28. How has this experience affected your feelings about the criminal justice system?

2

29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_\_\_ No X  
If so, please describe the relationship? \_\_\_\_\_

30. When was the last time you hosted someone of a different racial background in your home? \_\_\_\_\_

NEVER

31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.

YES

32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.

IMPARTIAL, ALOT OF PEOPLE DO MEAN STUFF TO EACH OTHER BECAUSE OF THERE RACE.

#### ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No X  
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

I THINK IF YOU PURPOSELY KILL SOMEONE YOU  
SHOULDN'T LIVE EITHER UNLESS IT WAS SELF DEFENCE

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. \_\_\_\_\_

NO

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty, regardless of the facts and circumstances of the case. Yes X No \_\_\_

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes X No \_\_\_

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. YES



---

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure X

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Amadeo Balla  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

030482

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

THE STATE OF NEVADA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MARLO THOMAS, )  
 )  
 Defendant. )

CASE NO. C 136862  
DEPT. NO. XV

JURY QUESTIONNAIRE

10148-5 610  
JUROR NUMBER

030482  
BADGE NO.

Richard Keenan  
PRINT NAME

1/25  
DATE OF BIRTH

C0136862

Dear Prospective Juror:

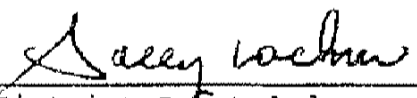
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  NO If not please explain.

Is there any reason that you could not sit as a juror on this case?

1. Your full name: Roshad Rubin Keenan
2. Your age: 19
3. Your place of birth: Tampa Bay, Fla
4. Your marital status (married, divorced, single, separated):
5. Children: (names not required)  

Age	Sex	Education	Occupation
<u>N/A</u>			

6. How long have you lived in the Las Vegas Metropolitan area?  
5 yrs
7. Without listing an address, please describe your neighborhood.  
It is quiet some times, shootings, lots of police.
8. What is the highest grade you have completed? Some college
9. Did you attend College or University? YES  
If so, please list which college, what degree(s) you received,  
and your major: Eastern Arizona College
10. Have you received any other special training or schooling? YES  
If so, explain: Army basic training
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. N/A
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: N/A
13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: N/A
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: N/A

15. Please describe anything you remember about this case that you may have heard from any media source. W/H

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>ARNG</u>	<u>03/03</u>	<u>E-3/PFC</u>	

18. Were you ever a member of the military police or shore patrol?  
N/A

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: N/A

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works? N/A

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? No because my mom went to jail and there was no one to file papers.

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. N/A

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? N/A

28. How has this experience affected your feelings about the criminal justice system? N/A
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? White grand parents on dad's side
30. When was the last time you hosted someone of a different racial background in your home? Every day
31. Mario Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
N/A
32. If the evidence shows that the victims in this case are of a different racial background than Mario Thomas would that affect your ability to be fair and impartial? Please explain.  
N/A

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.



The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it.  
e.  oppose to it under any circumstances.

Please explain: I think people shouldn't have to be killed no matter what they did.

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes  No \_\_\_  
Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. NO, I don't want only one to get the death penalty.



486

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARIO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

101513856      030486  
 JUROR NUMBER      BADGE NO.

KEITH Nicholson  
 PRINT NAME

85  
 DATE OF BIRTH

C0136862

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

*Sally Wacker*  
\_\_\_\_\_  
District Court Judge

9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

1. Your full name: KEITH WAYNE NICHOLSON
2. Your age: 20
3. Your place of birth: HUNTSVILLE, AL
4. Your marital status (married, divorced, single, separated):
5. Children: (names not required)  

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
8 YEARS
7. Without listing an address, please describe your neighborhood.  
NICE LOT OF KIDS, LOTS OF GET TOGETHERS  
SOME HIGH SCHOOL KIDS
8. What is the highest grade you have completed? FRESHMAN in college
9. Did you attend College or University? COLLEGE  
If so, please list which college, what degree(s) you received,  
and your major: CSN NURSING
10. Have you received any other special training or schooling? NO  
If so, explain: \_\_\_\_\_
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. MOM 12 GRADE
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: N/A
13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: N/A
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: N/A HAVE NOT HAD ANY YET

15. Please describe anything you remember about this case that you may have heard from any media source. NONE

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No X If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>N/A</u>			

18. Were you ever a member of the military police or shore patrol?  
N/A

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No X If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No X If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No X If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: N/A
23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A
24. In general, what are your opinions and feelings about how the criminal justice system works? EVERYONE SHOULD GET A TRIAL ~~BEFORE~~ ~~THEY~~
25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_ No  \_\_\_  
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_
26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. No
27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? No



28. How has this experience affected your feelings about the criminal justice system? N/A
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? WIFE AUNT
30. When was the last time you hosted someone of a different racial background in your home? LAST NIGHT, WE HAD A BASEBALL GET TOGETHER FROM ABA School
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NO
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
NO

#### ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

CONSIDER WHAT HAPPENED WHAT THEY DID  
HOW THEY DID IT

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?

Please explain. N/A

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. YES I AM NOT GOING TO SAY  
THEY GET THE DEATH PENALTY WITH OUT HEARING  
THE CASE!!



030490

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

---

JURY QUESTIONNAIRE

100055880  
JUROR NUMBER

030490  
BADGE NO.

Roy T. Kieffer  
PRINT NAME

1/58  
DATE OF BIRTH

C0136862

Dear Prospective Juror:

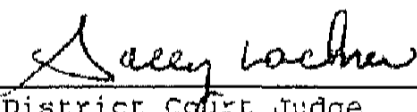
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

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To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

28. How has this experience affected your feelings about the criminal justice system? I DON'T KNOW IF IT AFFECTED MY FEELINGS, BUT IT MADE ME MORE FAMILIAR WITH IT
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? ASIAN (PHILIPPINE) NIECE; MIXED RACE NIECE
30. When was the last time you hosted someone of a different racial background in your home? LAST SUMMER - 1 YEAR
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NO. THE MAN'S SKIN COLOR OR RACE DO NOT CAUSE HIS ACTIONS.
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
I DON'T THINK SO.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it,
- e. oppose to it under any circumstances.

Please explain:

SOME VERY HEINOUS CRIMES DO CALL FOR THE DEATH PENALTY.

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?

Please explain. I THINK THE DEATH PENALTY IS APPROPRIATE FOR SITUATIONS LIKE SERIAL KILLINGS, CHILD KILLINGS, ETC. - EXTREME CIRCUMSTANCES

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. YES. I THINK EACH PUNISHMENT IS POTENTIALLY APPROPRIATE DEPENDING ON THE CIRCUMSTANCES.

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat       ✓       Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

James C. Jones  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



# EXHIBIT 90

# EXHIBIT 90

030532

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

101419642    030532  
 JUROR NUMBER    BADGE NO.

DON MCINTOSH  
 PRINT NAME

-57  
 DATE OF BIRTH

00136862

Dear Prospective Juror:

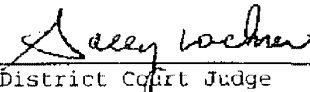
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge  
9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

NO

1. Your full name: DON LEONARD MCINTOSH
2. Your age: 47
3. Your place of birth: BOSTON, MA
4. Your marital status (married, divorced, single, separated):  
DIVORCED
5. Children: (names not required)

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>
<u>22</u>	<u>MALE</u>	<u>ASSOCIATES DEGREE</u>	<u>NONE</u>

C0136862

6. How long have you lived in the Las Vegas Metropolitan area?  
SINCE 1976 / SPENT 3 YEARS IN MA DURING THAT TIME
7. Without listing an address, please describe your neighborhood.  
Peaceful, well kept CONDO
8. What is the highest grade you have completed? 12<sup>TH</sup> GRADE
9. Did you attend College or University? NO  
If so, please list which college, what degree(s) you received, and your major: CONTROL DATA INSTITUTE - ELECTRONICS  
NEW ENGLAND TRACTOR TRAILER - TRUCK DRIVER
10. Have you received any other special training or schooling? YES  
If so, explain: CONTROL DATA INSTITUTE - ELECTRONICS  
NEW ENGLAND TRACTOR TRAILER - TRUCK DRIVER
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. NOT LIVING WITH ANYONE
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: NONE
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: NONE
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: NONE

15. Please describe anything you remember about this case that you may have heard from any media source. DON'T KNOW ANYTHING ABOUT THIS CASE

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No ✓ If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

Branch	Dates	Position/Rank	Duties
<u>USAF</u>	<u>6/76-5/82</u>	<u>STAFF SERGEANT</u>	<u>JET ENGINE MECHANIC FLIGHT ENGINEER</u>

18. Were you ever a member of the military police or shore patrol?  
None

19. Were you ever involved in a military court martial?  
Yes ✓ No \_\_\_ If yes, please describe your role in the proceedings? DURING BASIC TRAINING DETAIL SERGEANT WAS COURT MARTIALED FOR ABUSING (DISCIPLINING) TRAINEES

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No X If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No X If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:  
DO KNOW LT SEAN DONNELLY WITH THE LAS VEGAS POLICE DEPT  
BUT NOT WELL, SEE HIM 1 OR 2 TIMES A YEAR

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NEVER BEEN ON A TRIAL
23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO
24. In general, what are your opinions and feelings about how the criminal justice system works? NEVER BEEN INVOLVED BUT ON THE OUTSIDE LOOKING IN TRIALS SEEM TO BE FAIR. BETTER TO LET A GUILTY PERSON WALK THAN SEND AN INNOCENT PERSON TO JAIL
25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? EX BROTHER IN LAW. HE WAS TREATED MORE THAN FAIR. WAS INVOLVED W/TA DRUGS FOR A LONG TIME AND SHOULD HAVE GONE TO JAIL MUCH EARLIER
26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO - JUST SUED BY EX WIFE FOR A DIVORCE
27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? YES - SISTER WAS MUGGED (MINOR INJURIES), JUSTICE WASN'T SERVED BECAUSE CRIMINAL WASN'T CAUGHT

28. How has this experience affected your feelings about the criminal justice system? NO CHANGES IN MY FEELINGS  
STILL NEUTRAL
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_ No ✓  
If so, please describe the relationship? \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? BEING A TRUCK DRIVER I AM  
gone long periods of time 2-4 weeks with 3-4 days  
off, DON'T ENTERTAIN AT HOME
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NO - TREAT people how they TREAT ME
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
NO - SHOULDN'T MAKE A DIFFERENCE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.



The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

FEEL IF A CRIME IS SO AWFUL I CAN JUSTIFY THE DEATH  
PENALTY - SUCH AS A BRUTAL RAPE & TORTURE LEADING TO  
THE DEATH OF A WOMAN

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?

Please explain. HAVE NO STRONG MORAL OR RELIGIOUS  
VIEWS IN THIS AREA

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. TOTALLY OPEN TO ALL FORMS OF  
PUNISHMENT - HARD TO ANSWER BECAUSE I KNOW  
NOTHING ABOUT CASE

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat will TAKE ALL Not sure \_\_\_\_\_  
INFORMATION INTO  
CONSIDERATION

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Don L. McArthur  
Signature

10-5-05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 91

# EXHIBIT 91

030544

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

101593565    030544  
 JUROR NUMBER    BADGE NO.

Conne L. Kaczmarek  
 PRINT NAME

57  
 DATE OF BIRTH

C0136862

Dear Prospective Juror:

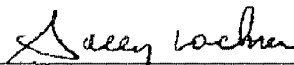
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

no - except I am a sole supporter of my 16yr old - and the pay loss will be substantial

1. Your full name: Conne L Kazmarek

2. Your age: 48

3. Your place of birth: W. Hartford, Ct

4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age	Sex	Education	Occupation
<u>16</u>	<u>M</u>	<u>1 Hr</u>	<u>---</u>

C0136862

6. How long have you lived in the Las Vegas Metropolitan area?  
Since April 2004
7. Without listing an address, please describe your neighborhood.  
Middle /
8. What is the highest grade you have completed? 1st college
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received, and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? yes  
 If so, explain: American Hotel Hotel Assoc.  
rec'd 4 certificates of completion  
in as many areas of study
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. N/A
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: N/A
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: Hospitality Law -  
took Admin of Justice course in '76'
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: N/A

15. Please describe anything you remember about this case that you may have heard from any media source. never heard of it

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

My first reaction after reading synopsis is that "Mark Thomas - dir of Danny Thomas - show" then it was on - hes guilty (duh) then nothing -

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

Branch	Dates	Position/Rank	Duties
--------	-------	---------------	--------

N/A

18. Were you ever a member of the military police or shore patrol?

N/A

19. Were you ever involved in a military court martial?

Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)

Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:



22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: n/a

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: n/a

24. In general, what are your opinions and feelings about how the criminal justice system works? Sometimes it works, sometimes not - but when you hear or read about cases, you're also not getting all the information

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system?

26. Have you ever been a <sup>(C)</sup>witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. Yes - was asked to be witness concerning a rape case, <sup>would need</sup> didn't happen

Yes - I filed a suit against a woman who's dog mauled bit my son about the face.

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?

Yes - robbed of my purse - no but I sure learned my lesson

28. How has this experience affected your feelings about the criminal justice system? didn't change a thing
29. Do you have any relatives or close friends of a different racial background than your own? Yes X No       
If so, please describe the relationship? My sons, aunts husband -
30. When was the last time you hosted someone of a different racial background in your home? A week ago Sunday
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
I think that would depend on his attitude - personally I could care less about the color of a person - I'm more interested in attitude - with his conviction he must have loads of attitude - but if he's remorseful in anyway - that's something to consider -
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
I'm sorry someone I here had to die - I know nothing of the case, but I still think "color" should be put to the side and the facts, as we would get them or should I say "our instruction" as we get it should be what we consider - black/white no matter

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty.
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

There are most definitely, brutalities committed  
that are beyond horrific, and then there are those  
whereby circumstances dictated the actions, which  
led to other actions, so are choice, fits all situations

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. I don't like the idea of the death penalty,  
but I like, even less than my own uncomfortableness, the  
idea that a proven "monster" of a person would be  
allowed to keep life.

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. Yes - see above

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much yes Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

*How much weight it would actually hold?  
That's different -*

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

*Corey L. Faermark*  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 92

# EXHIBIT 92



030570

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

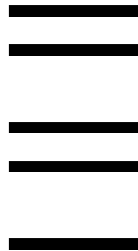
JURY QUESTIONNAIRE



100755925    030570  
 JUROR NUMBER    BADGE NO.

ROSA BELCH  
 PRINT NAME

1948  
 DATE OF BIRTH



1

C0136862





Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

*Sally Cochran*  
\_\_\_\_\_  
District Court Judge  
*9-30-05*  
\_\_\_\_\_  
Date

C0136862





SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror? Y Yes      No If not please explain.

Have tickets to England for Nov 9th.  
I am closing on the sale of my house Oct 31st.

Is there any reason that you could not sit as a juror on this case?

NO

- 1. Your full name: ROSA LEE BELCH
- 2. Your age: 62
- 3. Your place of birth: Franklin, LA.
- 4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age	Sex	Education	Occupation
<u>29</u>	<u>M</u>	<u>GED</u>	<u>unemployed</u>
<u>31</u>	<u>M</u>	<u>GED</u>	<u>Technician/ BELCO Co.</u>
<u>38</u>	<u>F</u>	<u>Ass. Degree</u>	<u>Teaching assistant C.C.</u>



CO136862







6. How long have you lived in the Las Vegas Metropolitan area?  
17 yrs
7. Without listing an address, please describe your neighborhood.  
Middle class
8. What is the highest grade you have completed? 2 yrs college
9. Did you attend College or University? YMS  
If so, please list which college, what degree(s) you received,  
and your major: University of Nevada - Reno & Washburn  
Nurses' diploma school
10. Have you received any other special training or schooling? \_\_\_\_\_  
If so, explain: Nursing
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. \_\_\_\_\_
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: None in Nursing School and of  
continuing education courses so far the years
13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: no
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: only as related to my nursing practice.





15. Please describe anything you remember about this case that you may have heard from any media source. I vaguely remember hearing about this on the news - I do not remember any details
16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.
17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties: NO
- | <u>Branch</u> | <u>Dates</u> | <u>Position/Rank</u> | <u>Duties</u> |
|---------------|--------------|----------------------|---------------|
|               |              |                      |               |
|               |              |                      |               |
|               |              |                      |               |
18. Were you ever a member of the military police or shore patrol?  
NO
19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  if yes, please describe your role in the proceedings?
20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:
21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:





22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

24. In general, what are your opinions and feelings about how the criminal justice system works? It usually works the way it should

\_\_\_\_\_  
\_\_\_\_\_

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No \_\_\_\_\_  
If yes, do you feel that person was treated fairly by the judicial system? Yes

\_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_\_\_\_\_

I was called to testify regarding the behavior of a patient treated in the emergency room where I worked.

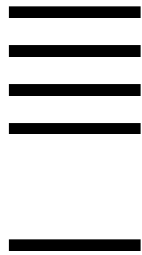
\_\_\_\_\_

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?

Yes NO - My mother's murderer was never caught.

\_\_\_\_\_  
\_\_\_\_\_





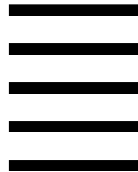
28. How has this experience affected your feelings about the criminal justice system? I support and increase of police officers on the streets; I report any crime observed. I taught my children to respect the law and hopefully they will do the same with their children.
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? my son-in-law in Hispanic.
30. When was the last time you hosted someone of a different racial background in your home? 3 days ago
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. No
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain. No

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.





The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c.  would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

*I believe there are individuals who are truly evil. People who do not leave to punish, feed, guard, & keep them people who compete for the rest of their lives.*

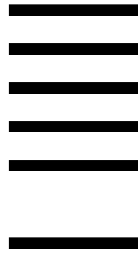
35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. no

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?   
Please explain. \_\_\_\_\_





38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure ✓

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Paul Sullivan  
Signature

10-5-05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



# EXHIBIT 93

# EXHIBIT 93

030585

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

101153421 030585  
JUROR NUMBER      BADGE NO.

PHILIP ADONA  
PRINT NAME

72  
DATE OF BIRTH

00136862



Dear Prospective Juror:

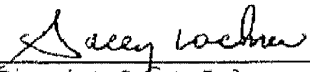
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge

9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Attend CSN criminal justice classes  
on Monday & Tuesday.

Is there any reason that you could not sit as a juror on this case?

I am currently attending classes at  
Community College of Southern Nevada

1. Your full name: Rubio Aleantana Adona

2. Your age: 33

3. Your place of birth: San Francisco, CA

4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age

Sex

Education

Occupation

6. How long have you lived in the Las Vegas Metropolitan area?  
over 3 years
7. Without listing an address, please describe your neighborhood.  
Quiet, nice, no gate
8. What is the highest grade you have completed? Vocational /  
Technical School
9. Did you attend College or University? Yes  
 If so, please list which college, what degree(s) you received, and your major: College of S. NV - no degree, NT College  
Notumking East, Sac. State Univ. - no degree, Sac. City College  
no degree, American Mus. College - No Degree, DVC - no degree
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: \_\_\_\_\_
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. Certificate in Accounting
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: Psychology I - an intro class,  
Sociology 10 - intro class
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: Criminal Justice - intro class  
Currently taking Criminal Investigation & Law Enforcement  
Patrol Procedures & Techniques
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: N/A

15. Please describe anything you remember about this case that you may have heard from any media source. Nothing

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No X If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

N/A

18. Were you ever a member of the military police or shore patrol?  
N/A

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No X If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No X If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No X If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: No N/A

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works? I believe it works well sometimes.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? No

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. N/A

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? yes, justice was served.

28. How has this experience affected your feelings about the criminal justice system? The system irritates me  
for me
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship? Brother in law  
and Caucasian doesn't live together
30. When was the last time you hosted someone of a different racial background in your home? last year
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. No
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain. No

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No  X  
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
 c. would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:  
It depends on how vicious the crime is  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No  X  
Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No  X

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. Yes, depends on crime  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat       ✓       Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Philip Adona  
Signature

10.5.05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



# EXHIBIT 94

# EXHIBIT 94

# 030660

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

101351954    030660  
 JUROR NUMBER    BADGE NO.

Adele Basye  
 PRINT NAME

1955  
 DATE OF BIRTH

C0136862

Dear Prospective Juror:


You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge  
9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

None

1. Your full name: Adale Dolores Basye
2. Your age: 50
3. Your place of birth: Boulder City, NV
4. Your marital status (married divorced, single, separated):  
Married
5. Children: (names not required)

Age	Sex	Education	Occupation
<u>29</u>	<u>F</u>	<u>12</u>	<u>Manicurist</u>
<u>28</u>	<u>M</u>	<u>12</u>	<u>Heavy Equipment Operator</u>
<u>23</u>	<u>F</u>	<u>12</u>	<u>Waitress</u>
<u>19</u>	<u>F</u>	<u>12</u>	<u>Real Estate Student</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
2 1/2 yrs.
7. Without listing an address, please describe your neighborhood.  
Residential Henderson, mostly middle income families.
8. What is the highest grade you have completed? 11 w/ GED
9. Did you attend College or University? No  
If so, please list which college, what degree(s) you received, and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? yes  
If so, explain: Crematology - Pastry Chef - Medical Administrative Assistant
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. GED
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: Psychology and Sociology
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: Medical Law and Ethics
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: Medical Psychology & Sociology

15. Please describe anything you remember about this case that you may have heard from any media source. NONE

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

N/A

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works? I believe our system is quite fair, after studying some justice systems in other countries.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? My husband - this happened before we were over 10/26/2008, so I am not familiar with all the details.

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO

28. How has this experience affected your feelings about the criminal justice system? It makes me feel that I am as a American citizen honored to be chosen to serve our justice system.
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_ No      
If so, please describe the relationship?
30. When was the last time you hosted someone of a different racial background in your home? Not recent, but I have no problem with doing so.
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NONE
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
NO

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.



The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:

To me, when deserving to the defendant after  
all evidence is submitted, it is fair.  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. Yes, I believe to be fair to the  
defendant but also fair to the victims  
family, the victims, even if they died.  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much ✓ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Adelle S. Bazye  
Signature

10-5-04  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 95

# EXHIBIT 95

Badge 030675

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

101540650  
JUROR NUMBER

030675  
BADGE NO.

Will McGrath  
PRINT NAME

79  
DATE OF BIRTH

00136862

Dear Prospective Juror:

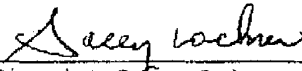
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

1. Your full name: Bill Mibenth
2. Your age: 20
3. Your place of birth: Wabrock, Texas
4. Your marital status (married, divorced, single, separated):  
single
5. Children: (names not required)  

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
2 1/2 years
7. Without listing an address, please describe your neighborhood.  
Very nice neighborhood, fenced community, mainly older people
8. What is the highest grade you have completed? 13
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received, and your major: Walter S. Dill Killebrew - Community College of Southern Nevada
10. Have you received any other special training or schooling? NO  
 If so, explain: NO
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. N/A
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: N/A
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: N/A
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: N/A

15. Please describe anything you remember about this case that you may have heard from any media source.

I don't know anything about this case.

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

18. Were you ever a member of the military police or shore patrol?

NO

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:



22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: N/A

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works?

I have mixed feelings. I think they get it right on the nose with convictions and other times wonder how someone got off or didn't get off.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_ NOV \_\_\_  
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_

N/A

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?

NO

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_  
 I'm excited to be involved. I'm fascinated with the legal system
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No \_\_\_\_\_  
 If so, please describe the relationship? \_\_\_\_\_  
 I have many friends with different racial backgrounds
30. When was the last time you hosted someone of a different racial background in your home? 60 months
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
 \_\_\_\_\_  
 NO
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
 \_\_\_\_\_  
 NO - I don't think race has anything to do with the way I think

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ NO  \_\_\_  
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty.
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

\_\_\_\_\_ I would need to hear the situation in order  
to make a judgment \_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. NO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No  \_\_\_

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No  \_\_\_

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. YES. I would need to really hear the  
story to know how I felt. \_\_\_\_\_  
\_\_\_\_\_



# EXHIBIT 96

# EXHIBIT 96

030 173

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

<u>100994510</u>	<u>030773</u>	<u>CEASAR I. ELPIDIO</u>
JUROR NUMBER	BADGE NO.	PRINT NAME
		<u>53</u>
		DATE OF BIRTH

C0136862

Dear Prospective Juror:

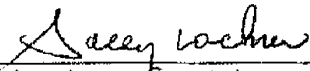
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

I AM THE SOLE PROVIDER FOR MY FAMILY AND MY BUSINESS REQUIRES MY PHYSICAL PRESENCE TO SERVICE MY CUSTOMERS OTHERWISE I WILL LOSE MY CLIENTS AND MY SOLE INCOME.

Is there any reason that you could not sit as a juror on this case?

YES, I AM NOT IMPARTIAL TO PEOPLE WHO COMMIT MURDER, RAPE, ETC.

1. Your full name: CENSON ELPIDIO

2. Your age: 52

3. Your place of birth: PHILIPPINES

4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age	Sex	Education	Occupation
28	F	college (BS)	Real Estate
25	F	HS	insurance
22	F	HS	insurance
20	M	College Student	Student

00136862



6. How long have you lived in the Las Vegas Metropolitan area?  
4 years
7. Without listing an address, please describe your neighborhood.  
good, stable, peaceful, friendly
8. What is the highest grade you have completed? 16
9. Did you attend College or University? yes  
 If so, please list which college, what degree(s) you received, and your major: Nat'l Univ - MBA  
St. Louis Univ. - BS  
Philippines
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: Many courses in Admin.
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. College (BS)
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: Human Resources (personnel)
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: None
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: None

15. Please describe anything you remember about this case that you may have heard from any media source. can't remember

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.  
fatig & hrs = death penalty

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

Branch	Dates	Position/Rank	Duties
USN	'74-'81	E-6	ADMIN
USNR	81-99	O-4	Hosp. Admin.

18. Were you ever a member of the military police or shore patrol?  
Served duties as SP

19. were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:  
members of same community organizations or professional organizations.

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: Drug Case - reached verdict

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: \_\_\_\_\_

24. In general, what are your opinions and feelings about how the criminal justice system works? I feel it could be fairer for most people.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? Always, not great

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. Small claims suit -

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NOT close family/friends

28. How has this experience affected your feelings about the criminal justice system? feel it could work.
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
If so, please describe the relationship?  
Son-in-law and Cousin, OK - Good relationship
30. When was the last time you hosted someone of a different racial background in your home? 3 months ago
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
could affect my views of the crime/punishment
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
yes, it could affect my views and impartiality.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

*When I felt the crime committed*

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?

Please explain. *Religious*

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes  No \_\_\_

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

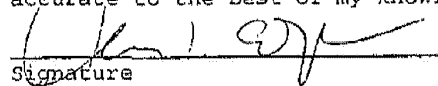
Please explain. *Maybe - not sure*

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

  
Signature

10/5/05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 97

# EXHIBIT 97

030686

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

100233523    030686  
 JUROR NUMBER    BADGE NO.

Loretta Gillis  
 PRINT NAME

1943  
 DATE OF BIRTH

00136862



Dear Prospective Juror:

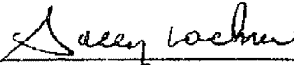
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Cianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

No

1. Your full name: Loretta June Gillis
2. Your age: 62
3. Your place of birth: Downey, California
4. Your marital status (married, divorced, single, separated):  
Divorced
5. Children: (names not required)

Age	Sex	Education	Occupation
<u>36</u>	<u>M</u>	<u>College Grad</u>	<u>Swat/Police officer</u>
<u>32</u>	<u>M</u>	<u>High School Grad</u>	<u>Police Detective</u>
<u>30</u>	<u>F</u>	<u>High School Grad</u>	<u>mother</u>

6. How long have you lived in the Las Vegas Metropolitan area?  
1978
7. Without listing an address, please describe your neighborhood.  
upper middle class
8. What is the highest grade you have completed? 2 yrs College
9. Did you attend College or University? College  
 If so, please list which college, what degree(s) you received,  
 and your major: no
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: yes, Electrodiagnostic Testing,  
Floral Design
11. What is the education level of your spouse or person you are  
 living with? Again, please list any advanced degrees and areas  
 of study. former Spouse - Railroad Engineer
12. If you have taken courses or had training in any of the  
 behavioral sciences (e.g. psychology, sociology, counseling or  
 similar areas), please identify such courses/training by title  
 and subject matter: one psychology class in college
13. If you have taken courses or had training in any of the legal  
 fields, (i.e. law, administration of justice, corrections, law  
 enforcement), please identify such courses/training by title  
 and subject matter: no
14. If you have taken courses or had training in any of the medical  
 sciences, and in particular the medical specialty of  
 psychiatry, please identify such courses/training by subject  
 matter or title: Medical Assistant / Electrodiagnostic Testing

15. Please describe anything you remember about this case that you may have heard from any media source. Nothing that I can remember

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>N/A</u>			

18. Were you ever a member of the military police or shore patrol?  
No

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No \_\_\_ If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

Brother in law - Judge - 2-3 times a year  
Son - Sheriff - daily  
Son - Detective - weekly  
Son in law - weekly

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: I have never been a juror

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works? I think that the Criminal Justice System works well.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  NO   
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. \_

No

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?

No

28. How has this experience affected your feelings about the criminal justice system? Positive Feelings About The Criminal Justice System
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_ No \_\_\_  
If so, please describe the relationship? Sister in Law - Black  
Friend - Korean
30. When was the last time you hosted someone of a different racial background in your home? 2 yrs.
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
There is nothing about the fact that the man is African American that would affect my ability to be fair and impartial in this case.
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
That would not affect my ability to be fair and impartial.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

IT depends on the type of offense that  
was committed.  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. yes. A person is innocent until  
proven guilty  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much yes Not At All \_\_\_\_\_  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Luetta G. Geller  
Signature

10-5-05  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



# EXHIBIT 98

# EXHIBIT 98

030784

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
_____	)	

JURY QUESTIONNAIRE

<u>101249239</u>	<u>030784</u>
JUROR NUMBER	BADGE NO.

JOE D'ELIA  
PRINT NAME

1943  
DATE OF BIRTH

03136862

Dear Prospective Juror:

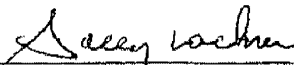
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

OTHER THAN HAVING BRUSH TO TAKE MY MBS (DIABETOS & NEUROPATHY) I SEE NO PROBLEM

1. Your full name: JOSEPH S. D'ELIA, JR.

2. Your age: 62

3. Your place of birth: MIDDLEBOROUGH, MA

4. Your marital status (married, divorced, single, separated):  
WIDOWED

5. Children: (names not required)

Age	Sex	Education	Occupation
38	M	COLL GRAD	SOFTWARE
35	F	COLL "	CPA

C0136862

6. How long have you lived in the Las Vegas Metropolitan area?  
AUG 93
7. Without listing an address, please describe your neighborhood.  
MIDDLE CLASS, MAINLY WHITE BUT HAS BLACKS, ASIANS,  
PHILIPPINS, ETC.
8. What is the highest grade you have completed? 13
9. Did you attend College or University? YES  
 If so, please list which college, what degree(s) you received,  
 and your major: CAMPBELL SCHOOL OF RADIO/TV BROADCASTING
10. Have you received any other special training or schooling?       
 If so, explain:
11. What is the education level of your spouse or person you are  
 living with? Again, please list any advanced degrees and areas  
 of study. N/A
12. If you have taken courses or had training in any of the  
 behavioral sciences (e.g. psychology, sociology, counseling or  
 similar areas), please identify such courses/training by title  
 and subject matter: N/A
13. If you have taken courses or had training in any of the legal  
 fields, (i.e. law, administration of justice, corrections, law  
 enforcement), please identify such courses/training by title  
 and subject matter: LAW EMPLOYMENT WITHIN USCG.
14. If you have taken courses or had training in any of the medical  
 sciences, and in particular the medical specialty of  
 psychiatry, please identify such courses/training by subject  
 matter or title: N/A

15. Please describe anything you remember about this case that you may have heard from any media source. NOTHING

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

Branch	Dates	Position/Rank	Duties
USMC	1961-1987	E-9/MCPO	LAW ENFORCEMENT, SEARCH + RESCUE AID TO NAVIGATION ETC.

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes  No \_\_\_ If yes, please describe your role in the proceedings? WITNESS - 1981

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No \_\_\_ If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:  
NEXT DOOR NEIGHBOR IS NLV POLICE SGT.

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: No

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A

24. In general, what are your opinions and feelings about how the criminal justice system works? OVERALL - IT WORKS.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_ No X  
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. Yes - WITNESS - BACK IN ~~THE~~ EARLY 60s

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? \_\_\_\_\_

28. How has this experience affected your feelings about the criminal justice system? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
 If so, please describe the relationship? MELVINSON - PHILIPINO  
 \_\_\_\_\_  
 \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? LAST WEEK  
 \_\_\_\_\_  
 \_\_\_\_\_
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. no  
 \_\_\_\_\_  
 \_\_\_\_\_
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
no  
 \_\_\_\_\_  
 \_\_\_\_\_

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.



The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_  
\_\_\_\_\_

34. Would you say that you are generally:  
a. in favor of the death penalty,  
b. generally opposed to it,  
c. would consider it in certain circumstances,  
d. never thought about it.  
e. oppose to it under any circumstances.

Please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Do you hold any strong moral or religious views toward the death penalty and its imposition? *No*  
Please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. *YES*  
\_\_\_\_\_  
\_\_\_\_\_

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All \_\_\_\_\_  
Somewhat   L   Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Joseph S. Diller, Jr.  
Signature

05 OCT 2005  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 99

# EXHIBIT 99

030780

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
	)	

JURY QUESTIONNAIRE

101170944 030780  
 JUROR NUMBER      BADGE NO.

Christina Shaverdin  
 PRINT NAME

8/4  
 DATE OF BIRTH

C0136862

Dear Prospective Juror:

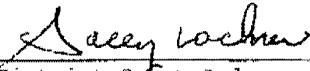
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror? Yes  No  If not please explain.

I need to work!

Is there any reason that you could not sit as a juror on this case?

I just need to work I need my hours and my money.

1. Your full name: Christina Shaverdian

2. Your age: 21

3. Your place of birth: Shiraz, Iran

4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

Age      Sex      Education      Occupation

None

6. How long have you lived in the Las Vegas Metropolitan area?  
8 years
7. Without listing an address, please describe your neighborhood.  
My neighborhood is for middle class man, its quite and secure and its a conflict zone for anyone that lives there.
8. What is the highest grade you have completed? 12th grade
9. Did you attend College or University? Yes  
 If so, please list which college, what degree(s) you received, and your major: The Art Institute of Las Vegas  
My major is interior design I did not graduate
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: None
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. My name graduated from high school
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: psychology is the study of ones behavior I took a course when I attended college.
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: None
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: None

15. Please describe anything you remember about this case that you may have heard from any media source. None

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No X If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
---------------	--------------	----------------------	---------------

None

18. Were you ever a member of the military police or shore patrol?  
None

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No X If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No X If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No X If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:



22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: None

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: None

24. In general, what are your opinions and feelings about how the criminal justice system works? It works fast and moves on to the next issue and don't waste time

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? Yes they got what they deserved

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. None

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? None

28. How has this experience affected your feelings about the criminal justice system? Its the same feelings I had before nothing changed
29. Do you have any relatives or close friends of a different racial background than your own? Yes  No   
 If so, please describe the relationship? Most of my friends are different races their my best friends because I relate to them better
30. When was the last time you hosted someone of a different racial background in your home? Almost everyday cause my friends come and go all the time from car house.
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. No I would want to hear his side before I was affected in any way because I'm not sure what his situation was
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain. No, I would just have to hear the entire situation before I would have my comments.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are; (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

It depends on a case and situation what the defendant deserves.

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. nope

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. Yes because I see nothing wrong with giving a criminal the punishment they deserve in any form



**EXHIBIT 100**

**EXHIBIT 100**

030758

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

100596029 030758  
 JUROR NUMBER    BADGE NO.

HERBERT D. RICE, JR.  
 PRINT NAME  
1/37  
 DATE OF BIRTH

C0.136862

Dear Prospective Juror:

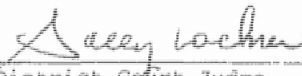
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
District Court Judge  
9-30-05  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

1. Your full name: HERBERT D. RICE, JR
2. Your age: 68
3. Your place of birth: WICHITA, KANSAS
4. Your marital status (married, divorced, single, separated):  
MARRIED
5. Children: (names not required)

Age	Sex	Education	Occupation
<u>44</u>	<u>F</u>	<u>H.S.</u>	<u>SALES</u>
<u>40</u>	<u>F</u>	<u>H.S.</u>	<u>HOUSEWIFE</u>



6. How long have you lived in the Las Vegas Metropolitan area?  
8 years
7. Without listing an address, please describe your neighborhood.  
North West Centennial Hills
8. What is the highest grade you have completed? MASTERS
9. Did you attend College or University? YES  
 If so, please list which college, what degree(s) you received, and your major: CAL. STATE UNIVERSITY  
MSA SCIENCE OF ADMIN
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: NO
11. What is the education level of your spouse or person you are living with? Again, please list any advanced degrees and areas of study. HIGH SCHOOL
12. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter: PSYCHOLOGY IN THE BUSINESS ENVIRONMENT
13. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter: NO
14. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title: NO

15. Please describe anything you remember about this case that you may have heard from any media source. NOTHING

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>ARMY</u>	<u>12/60 to 12/62</u>	<u>E2</u>	<u>TELECOMMUNICATIONS</u>

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)?  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

SON-IN-LAW POLICE OFFICER LAS ANGELES  
SELDOM-NEVER

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO

24. In general, what are your opinions and feelings about how the criminal justice system works? GENERALLY WORKS WELL

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes \_\_\_ No X  
If yes, do you feel that person was treated fairly by the judicial system? \_\_\_\_\_

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. YES REAL ESTATE PROPERTY LINE DISPUTE

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO

IN THE SUPREME COURT OF THE STATE OF NEVADA

\*\*\*\*\*

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

Electronically Filed  
Jun 14 2019 02:59 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

No. 77345

District Court Case No.  
96C136862-1

(Death Penalty Case)

**APPELLANT'S APPENDIX**

Volume 16 of 35

Appeal from Order Dismissing Petition for Writ of Habeas  
Corpus (Post-Conviction)  
Eighth Judicial District Court, Clark County  
The Honorable Stefany Miley, District Judge

RENE L. VALLADARES  
Federal Public Defender

JOANNE L. DIAMOND  
Assistant Federal Public Defender  
Nevada Bar No. 14139C  
Joanne\_Diamond@fd.org

411 E. Bonneville, Suite 250  
Las Vegas, Nevada 89101  
(702) 388-6577

Attorneys for Appellant

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 14, 2019. Electronic Service of the foregoing APPELLANT'S APPENDIX shall be made in accordance with the Master Service List as follows:

Steven S. Owens  
Chief Deputy District Attorney

*/s/ Jeremy Kip*  
\_\_\_\_\_  
An Employee of the  
Federal Public Defender,  
District of Nevada

**Table DP-4. Profile of Selected Housing Characteristics: 2000**

Geographic area: Clark County, Nevada

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>Total housing units.....</b>	<b>559,799</b>	<b>100.0</b>	<b>OCCUPANTS PER ROOM</b>		
<b>UNITS IN STRUCTURE</b>			<b>Occupied housing units .....</b>	<b>512,253</b>	<b>100.0</b>
1-unit, detached.....	288,011	51.4	1.00 or less.....	464,936	90.8
1-unit, attached.....	33,790	6.0	1.01 to 1.50.....	23,574	4.6
2 units.....	6,229	1.1	1.51 or more.....	23,743	4.6
3 or 4 units.....	47,037	8.4			
5 to 9 units.....	51,944	9.3	<b>Specified owner-occupied units.....</b>	<b>254,708</b>	<b>100.0</b>
10 to 19 units.....	36,018	6.4	<b>VALUE</b>		
20 or more units.....	62,183	11.1	Less than \$50,000.....	1,899	0.7
Mobile home.....	32,962	5.9	\$50,000 to \$99,999.....	38,699	15.2
Boat, RV, van, etc.....	1,625	0.3	\$100,000 to \$149,999.....	111,370	43.7
			\$150,000 to \$199,999.....	56,100	22.0
<b>YEAR STRUCTURE BUILT</b>			\$200,000 to \$299,999.....	30,633	12.0
1999 to March 2000.....	39,997	7.1	\$300,000 to \$499,999.....	11,650	4.6
1995 to 1998.....	128,550	23.0	\$500,000 to \$999,999.....	3,309	1.3
1990 to 1994.....	101,903	18.2	\$1,000,000 or more.....	1,048	0.4
1980 to 1989.....	115,562	20.6	Median (dollars).....	139,500	(X)
1970 to 1979.....	96,185	17.2			
1960 to 1969.....	48,318	8.6	<b>MORTGAGE STATUS AND SELECTED</b>		
1940 to 1959.....	26,548	4.7	<b>MONTHLY OWNER COSTS</b>		
1939 or earlier.....	2,736	0.5	With a mortgage.....	214,019	84.0
			Less than \$300.....	334	0.1
<b>ROOMS</b>			\$300 to \$499.....	3,214	1.3
1 room.....	19,739	3.5	\$500 to \$699.....	11,947	4.7
2 rooms.....	39,653	7.1	\$700 to \$999.....	50,655	19.9
3 rooms.....	71,118	12.7	\$1,000 to \$1,499.....	95,019	37.3
4 rooms.....	97,332	17.4	\$1,500 to \$1,999.....	34,443	13.5
5 rooms.....	117,914	21.1	\$2,000 or more.....	18,407	7.2
6 rooms.....	97,359	17.4	Median (dollars).....	1,185	(X)
7 rooms.....	58,188	10.4	Not mortgaged.....	40,689	16.0
8 rooms.....	32,644	5.8	Median (dollars).....	290	(X)
9 or more rooms.....	25,852	4.6			
Median (rooms).....	4.9	(X)	<b>SELECTED MONTHLY OWNER COSTS</b>		
			<b>AS A PERCENTAGE OF HOUSEHOLD</b>		
<b>Occupied housing units.....</b>	<b>512,253</b>	<b>100.0</b>	<b>INCOME IN 1999</b>		
<b>YEAR HOUSEHOLDER MOVED INTO UNIT</b>			Less than 15.0 percent.....	68,778	27.0
1999 to March 2000.....	166,599	32.5	15.0 to 19.9 percent.....	42,082	16.5
1995 to 1998.....	192,827	37.6	20.0 to 24.9 percent.....	39,675	15.6
1990 to 1994.....	81,863	16.0	25.0 to 29.9 percent.....	29,524	11.6
1980 to 1989.....	43,787	8.5	30.0 to 34.9 percent.....	19,982	7.8
1970 to 1979.....	18,652	3.6	35.0 percent or more.....	52,311	20.5
1969 or earlier.....	8,525	1.7	Not computed.....	2,356	0.9
<b>VEHICLES AVAILABLE</b>			<b>Specified renter-occupied units.....</b>	<b>209,187</b>	<b>100.0</b>
None.....	48,636	9.5	<b>GROSS RENT</b>		
1.....	206,117	40.2	Less than \$200.....	3,697	1.8
2.....	192,530	37.6	\$200 to \$299.....	3,103	1.5
3 or more.....	64,970	12.7	\$300 to \$499.....	21,322	10.2
			\$500 to \$749.....	86,301	41.3
<b>HOUSE HEATING FUEL</b>			\$750 to \$999.....	61,398	29.4
Utility gas.....	280,198	54.7	\$1,000 to \$1,499.....	24,868	11.9
Bottled, tank, or LP gas.....	6,261	1.2	\$1,500 or more.....	3,090	1.5
Electricity.....	223,277	43.6	No cash rent.....	5,408	2.6
Fuel oil, kerosene, etc.....	316	0.1	Median (dollars).....	716	(X)
Coal or coke.....	16	-			
Wood.....	614	0.1	<b>GROSS RENT AS A PERCENTAGE OF</b>		
Solar energy.....	153	-	<b>HOUSEHOLD INCOME IN 1999</b>		
Other fuel.....	242	-	Less than 15.0 percent.....	30,402	14.5
No fuel used.....	1,176	0.2	15.0 to 19.9 percent.....	29,976	14.3
			20.0 to 24.9 percent.....	28,981	13.9
<b>SELECTED CHARACTERISTICS</b>			25.0 to 29.9 percent.....	24,554	11.7
Lacking complete plumbing facilities.....	2,178	0.4	30.0 to 34.9 percent.....	18,316	8.8
Lacking complete kitchen facilities.....	3,244	0.6	35.0 percent or more.....	66,135	31.6
No telephone service.....	11,437	2.2	Not computed.....	10,823	5.2

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.



# EXHIBIT 83

# EXHIBIT 83

# 2010 Census Interactive Population Search

## NV - Clark County

### Population

Total Population	1,951,269
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### Housing Status ( in housing units unless noted )

Total	840,343
Occupied	715,365
Owner-occupied	408,206
Population in owner-occupied ( number of individuals )	1,107,730
Renter-occupied	307,159
Population in renter-occupied ( number of individuals )	821,547
Households with individuals under 18	249,397
Vacant	124,978
Vacant: for rent	47,504
Vacant: for sale	26,963

### Population by Sex/Age

Male	982,193
Female	969,076
Under 18	488,618
18 & over	1,462,651
20 - 24	128,245
25 - 34	294,525
35 - 49	426,767
50 - 64	341,794
65 & over	220,445

### Population by Ethnicity

Hispanic or Latino	568,644
Non Hispanic or Latino	1,382,625

### Population by Race

White	1,188,112
African American	204,379
Asian	168,831
American Indian and Alaska Native	14,422
Native Hawaiian and Pacific Islander	13,628
Other	262,506
Identified by two or more	99,391

**NV - Nevada**

## Population

Total Population	2,700,551
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### Housing Status ( in housing units unless noted )

Total	1,173,814
Occupied	1,006,250
Owner-occupied	591,480
Population in owner-occupied ( number of individuals )	1,574,145
Renter-occupied	414,770
Population in renter-occupied ( number of individuals )	1,090,252
Households with individuals under 18	341,074
Vacant	167,564
Vacant: for rent	61,985
Vacant: for sale	32,949

### Population by Sex/Age

Male	1,363,616
Female	1,336,935
Under 18	665,008
18 & over	2,035,543
20 - 24	177,509
25 - 34	387,286
35 - 49	576,833
50 - 64	498,236
65 & over	324,359

### Population by Ethnicity

Hispanic or Latino	716,501
Non Hispanic or Latino	1,984,050

### Population by Race

White	1,786,688
African American	218,626
Asian	195,436
American Indian and Alaska Native	32,062
Native Hawaiian and Pacific Islander	16,871
Other	324,793
Identified by two or more	126,075

**EXHIBIT 84**

**EXHIBIT 84**

## Editorial: Jury pools are shallow

Tuesday, Nov. 1, 2005 | 8:49 a.m.

Defense attorneys say that juries in Clark County District Court are consistently underrepresented by minorities and people with low incomes. The Nevada Supreme Court is aware of the problem and has recommended that court administrators broaden their pool of potential jurors. If the problem is not resolved, there is a danger that one day a verdict will be overturned, which could lead to a succession of overturned verdicts.

This issue revolves around rulings in previous court cases stating that a defendant has the right to be judged by a jury of his peers. The rulings date from 1880, when the U.S. Supreme Court (*Strauder v. West Virginia*) ruled that barring racial and ethnic groups from juries violates a defendant's rights under the equal-protection provision of the 14th Amendment. Since that decision, the courts have ruled extensively that a jury's makeup should be representative of the whole community.

Clark County court officials rely on a presumed statistic when defending their system of assuring diverse juries. They say at least 85 percent of the county's adult population is called up for juries as the result of their system of issuing summonses to people registered with the Department of Motor Vehicles. But there are two glaring contradictions to that presumption, as pointed out by Las Vegas Sun reporter Matt Pordum in a story on Sunday.

One, District Court does not keep any demographic records about its jury pools, and therefore there is no way to prove that the summonses reach 85 percent of the area population. Additionally, there is no way to prove that the juries chosen represent the community's diversity.

And two, a glance in the direction of any jury will instantly reveal an imbalance. "Given the amount of diversity in the population, I've never seen more all-white juries in my years of practicing law than I have here in Clark County," Public Defender Phil Kohn told Pordum.

Kohn has a standing order to all of the attorneys in his department to raise the issue of jury makeup in all death-penalty cases that go against his defendants. Sooner or later a high-profile case will be overturned and much attention will be directed at the system of selecting jurors, he said.

The court system should start reforming its selection process by using more than one source for names. The current method automatically excludes from juries all people who do not have a driver's license. In addition to the DMV list, it should also consider using lists compiled by the state Welfare Division, area utilities, the county registrar and assessor's offices, the School District and other agencies.

Expanding the court's database would surely expand and diversify its jury pools -- an expansion that should be formally charted and not presumed.

archive

# EXHIBIT 85

# EXHIBIT 85



# The jury's still out

By [Matt Pordum](#)

Sunday, Oct. 30, 2005 | 8:43 a.m.

Clark County court officials say that at least 85 percent of the county's adult population is represented in local jury pools. They say that's how they guarantee every defendant's constitutional right to a jury of their peers.

But those same court officials do not know the races, ethnicities or ZIP codes of the people summoned for jury duty, so the county has no documentation to show that minorities and people from lower socio-economic levels are being adequately represented.

Several prominent criminal defense attorneys say the claim that the county is providing all defendants with juries of their peers is laughable. They say there is a lack of minorities and low-income people in the jury pools.

The problem has been noted since 1993 at least, and three years ago the Nevada Supreme Court suggested that increasing the number of source lists for jury pools would expand the system, but the county has not followed that recommendation. A list provided by the Department of Motor Vehicles is still the only source used, as it was in 1993.

The issue was highlighted in July when WBC lightweight champion Floyd Mayweather Jr.'s trial on battery charges had to be stopped and restarted because none of the initial 50 people who showed up for jury duty was black.

Mayweather's attorney, Richard Wright, successfully argued that a new jury pool should be impaneled because "African-Americans make up a recognizable group in our community, and they obviously have their own experiences and values not shared with non-African-Americans."

District Judge David Wall ordered another group summoned to "protect the rights of Mr. Mayweather."

The second jury pool consisted of 74 people, six of whom were black. One of those six, a man, was selected for the jury.

When the jury pool came in last month for the case of accused serial rapist Ricardo Beltran, out of 60 prospective jurors, only three of them were black and only three were Hispanic, Beltran's lawyer, Chris Oram, said.

Beltran, who is Hispanic, was convicted on Oct. 3 by a jury that included only one Hispanic and one black, who was an alternate, Oram complained.

"That's messed up," Oram said. "Why doesn't the jury pool reflect what's in our population? When we come in for jury selection we should be looking at a jury pool that reflects the makeup of the population of Clark County."

According to the most recent census estimates, in 2004 blacks made up 9.1 percent of the county's population and Hispanics were 25.4 percent.

Defense lawyers say the jury pools hardly ever come close to reflecting those numbers.

Clark County Jury Commissioner Judy Rowland says they don't need to.

"A jury of someone's peers doesn't encompass ethnicity," she said. A jury of one's peers is simply a "randomly selected cross section of the members of your community."

And Clark County Assistant Court Administrator Michael Ware said the Mayweather case "is just one of those situations that, according to the law of averages, will happen once in awhile."

Defense lawyers say they see similar situations almost every day at the courthouse, and that it has been that way for years.

A key critic of the county's jury pools is Phil Kohn, the man in charge of the Clark County public defender's office. He has practiced law for 26 years and tried cases in Lake Tahoe, Sacramento and Santa Barbara, Calif., before coming to Las Vegas 13 years ago.

"Given the amount of diversity in the population, I've never seen more all-white juries in my years of practicing law than I have here in Clark County," Kohn said.

"I think it's really important that we don't have an all-white jury deciding the fate of an 18-year-old African-American male on trial for his life," Kohn said.

"An all-white jury can't see him as a son, brother or relative."

The defense lawyer perspective is that "it's easier to humanize defendants when there are people who went through the same life experiences or can at least relate to them," Kohn said.

District Attorney David Roger, on the other hand, said he and his 150 prosecutors aren't necessarily concerned where the jurors come from or what race or ethnicity they are.

"Just bring them down to the courthouse, and we'll do our best to select a fair and impartial jury," Roger said.

Ware said that as a black man he wouldn't have any concerns about not having a jury of peers in Clark County -- unless he was in a situation similar to Mayweather's or the prosecution was purposefully "excluding people of my culture."

Ware said he trusts the method used to create jury pools, but "would at least like to see one person of my cultural background seated on that jury."

"There is a general black perspective that is present regardless if some grow up affluent and some grow up poor," Ware said. "A fellow black person is more able to identify with another black person."

Deputy Public Defender Scott Coffee estimates 45 percent of the criminal defendants in Clark County are black, 30 percent are Hispanic and 25 percent are Caucasian.

Are Coffee's estimates valid? The county doesn't know.

"We don't keep any records on the demographics of defendants," Clark County Clerk Shirley Parraguirre said.

"We've just never been asked to do it in the seven years I've been the clerk, and I'm almost certain it has never been done in any of the years before my arrival."

Long-standing issue

In 1993, a report by the Nevada Appellate and Postconviction Project noted "a statistically significant disparity between the proportion of members of racial minorities in the adult population and the proportion

appearing in jury venires."

The researchers had observed six jury pools during visits in May 1992, September 1992 and July 1993 and found that blacks were underrepresented by 27.7 percent.

The study did not zero in on any other minority group specifically, so there was no corresponding analysis for Hispanic representation. It did note, however, that minorities other than blacks were underrepresented by 21.4 percent.

When the report was released, an independent audit of it was commissioned by court administration and determined the observation of prospective jurors was not, "in our opinion, conclusive evidence of determining minority background."

The audit went on to add that even if the observations of jury pools were to be accepted, the findings couldn't be considered reliable unless jury pools were observed for more than 40 days.

The assessment of the report also stated "while we believe that this report doesn't prove that disparities arise as a result of procedures followed by the Eighth Judicial District Courts, the courts can work to enhance reaching all eligible prospective jurors and non-responsive potential jurors."

The audit concluded saying that "other alternatives are available to enhance the process and should be utilized if feasible."

In the 12 years since the report, however, it's unclear if alternatives have been explored.

People who have criticized the lack of racial and ethnic diversity have long said they believe that the county's use of only the Department of Motor Vehicle lists as its source for jury summons is a root of the problem.

Not every adult in the county has a Nevada driver's license or Nevada identification card.

That's one of the reasons an October 2002 report by the Nevada Supreme Court recommended "three source lists should be utilized by every county or, at a minimum, counties should combine voter registration and DMV records into a single master list of potential jurors."

The high court's report said other sources to consider included utility companies' customer lists, welfare rolls, lists of individuals with children enrolled in public schools, lists of newly naturalized citizens, real estate tax rolls and lists of persons issued hunting and fishing licenses.

District Court administrators were not bound to the recommendations, but they followed the suggestions to increase juror pay and eliminate all statutory exemptions from jury duty. The only occupations that call for immediate exemption are those of legislators and their staffs during the legislative session.

Defense Attorney John Momot says "a convergence of all the lists recommended by the Nevada Supreme Court would be better than what we are forced to work with today."

And Momot says its not just minorities who are underrepresented in jury pools. "Younger professionals who are growing in number rapidly; they are not getting called to serve."

Three of Nevada's neighboring states use multiple source lists in their jury pool selection.

Arizona, which is considered one of the most progressive states regarding jury pools, uses phone books, those who request water service and welfare and unemployment rolls, in addition to its DMV lists.

California uses state tax returns and Social Security rolls in addition to its DMV lists.

Utah augments its DMV lists with voter registration rolls.

Ware said Clark County is currently exploring the option of using Nevada Power Co. customer lists, since everyone uses electricity, but Nevada Power says a state law prevents the lists from being used because Clark County has more than 400,000 residents.

But the six-year-old law, NRS 704.206, includes no such prohibition. It only notes that in a county whose population is less than 400,000, a public utility "shall provide a list of the names and addresses of the customers of the public utility upon the request of any: district judge; or jury commissioner, for use in the selection of jurors."

Nevada Power spokeswoman Andrea Smith said if the company was ordered to turn over its customer lists to the courts for use in jury pool selection it would do so, but otherwise the company's policy is that its "customer information is private."

She said, however, that the information is shared with police and fire departments for use in their investigations and emergency response.

Kohn said before the Sun brought the specifics of the law to his attention it was his belief counties with populations over 400,000 were prohibited from using utility customer lists. But now he is set to press his deputies to raise the issue in court.

If court administrators and Nevada Power don't settle the matter soon, Kohn said he will instruct his deputies to raise the issue during jury selection.

He said that whenever one of his court-appointed lawyers is presented with a jury pool that is lacking a cross section of the population, that lawyer will challenge the selection system and ask the judge to order that a new jury pool be called using not just driver's licenses and state identification cards, but also utility customer lists.

Kohn's expertise regarding diverse juries goes back more than a decade. He was a member of the Task Force on Racial and Economic Bias, which was created by the Nevada Supreme Court and then taken over by the Legislature. The task force, active from 1993 to 2001, examined problems in the criminal justice system.

Kohn said it was just as obvious to him then as it is now that Clark County juries fail to represent a cross section of the community.

He said one of the keys that the county should be looking at is the census demographic data tied to ZIP codes.

"There are ZIP codes that are high in minorities and where people are poor," and the census data identifies those ZIP codes.

Kohn said using only DMV rolls is a flawed approach because people who are poor move more and are in most cases less apt to keep their addresses current with the DMV.

"Why not use welfare rolls?" Kohn asked. "There are people who criticize people on welfare. I say put them on jury duty, they'll get paid."

But defense lawyer Karen Connolly said, "If you really want a cross section, you have to compensate them better."

"There is no way you can get a cross section of the county on the \$40 they get paid a day," Connolly said. "Yes, it's a civic duty to serve, but people have to pay their bills too."

Special Public Defender David Schieck also cited money as an obstacle to getting a cross section of the community in the jury pools.

"Our pools are, for the most part, retired, well-off citizens from Summerlin and not from Eighth Street," Schieck said. "Even if you reach the people from low income areas they are not going to come down to report.

"I'll bet the largest number of no-shows come from the lower income areas in the county because they can't afford not to work."

There's no way to settle that bet, however, because county officials say they don't track who shows up and who doesn't.

The only thing the county knows for sure is that 3,000 juror duty notices are sent out each week. Out of that number half respond by phone or the Internet to indicate they have received their summons and half of those respondees actually report for jury duty.

When someone fails to report for jury duty, a letter is sent asking whether that person received a summons and offering to schedule a new date.

District Court spokesman Michael Sommermeyer said if a person "receives this letter, reschedules and still fails to show up, we send them a new letter asking them to come in and explain to the chief judge why they couldn't attend jury duty, or we give them a new chance to set a new date."

Sommermeyer said if a person fails to show up the third time they receive an "order to show cause" demanding that they report to the chief judge and "explain why they failed to participate in this important civic duty."

He said if "all else fails, a no-bail bench warrant is issued by the court for their immediate arrest."

Judging by the daily jail booking reports that the Sun receives from Metro Police, however, people are seldom if ever jailed for failing to report to jury duty.

People who fail to report for jury duty face fines of up to \$500.

Sommermeyer says "it rarely comes to that point."

"By the time someone receives the second letter or find themselves before the chief judge, I think they realize the seriousness of the situation."

The right case

Kohn figures Clark County won't change its jury pool system until a high-profile death penalty case gets overturned as a result of a defendant not having a jury of his peers.

He said when that happens, it will anger taxpayers who are forced to pay for the retrial and outrage family members of the victims. Then the court administrators and "the district attorney's office will have to answer to the public and say why they went along with a jury selection system that didn't fully represent a cross section of society," Kohn said.

Since March 2004, when Kohn was put in charge of the public defender's office, he has been instructing his deputies to raise the question of whether defendants have a jury of their peers in every case, with the hope that the "right case" will be overturned by the Nevada Supreme Court or the 9th U.S. Circuit Court of Appeals.

But the Roger said he is not worried because the Nevada Supreme Court has already ruled on a case similar to Kohn's hypothetical "right case."

Roger pointed to the 1994 conviction and sentencing of Vernell Evans Jr. for the May 1992 murders of two

young women and two young men. Evans, who is black, later appealed his conviction to the state's high court, saying he deserved a new trial in part because the jury pool used for his case was not a full representation of the cross section of society.

His appeal specifically challenged the jury pool selection system used by Clark County. The Supreme Court upheld the conviction, saying there was no purposeful discrimination present in the county's use of driver's licenses and state identification cards.

Kohn, however, believes the "current justices on the high court are more concerned about fairness and if we can get the right case before them we could see change in the jury pool selection process."

# EXHIBIT 86

# EXHIBIT 86

## Editorial: Question of fairness lingers

Tuesday, Nov. 8, 2005 | 8:20 a.m.

It has been two years since the Nevada Legislature passed a law that requires district attorneys to report to the Supreme Court the race and gender of victims, defendants and jurors involved in voluntary manslaughter and murder cases.

But the Las Vegas Sun, citing a Nevada Supreme Court document that tracked the demographic data for such cases in 2003 and 2004, reported Monday that Clark County's prosecutors have not fully complied with the requirement.

Demographic information about defendants and those who sit in judgment of them is supposed to be gathered to provide empirical evidence to show whether those accused of serious crimes have their cases heard by juries that are representative of the community. Some of these defendants face death penalties if convicted.

It is especially important to track that data in Clark County, where 91 percent of the state's murder and voluntary manslaughter cases were filed last year and 78 percent of such cases were filed in 2003.

Clark County Assistant District Attorney Christopher Lalli, who has compiled a limited amount of the information and sent it to the Supreme Court, said prosecutors have filed incomplete data because they "aren't race recognition experts." The information that was sent to the court shows race was reported as "unknown" or "not provided" for 65 percent of jurors.

Lalli's explanation is "unacceptable," according to Gary Peck, Nevada American Civil Liberties Union executive director. "It's the kind of excuse that, at the very least, creates the appearance that the office can't be trusted to play by the rules when it seeks the imposition of society's ultimate penalty," Peck said Monday.

Lalli said responsibility for filing such statistics should rest with the jury commissioner, as it does in other jurisdictions. Clark County Jury Commissioner Judy Rowland told the Sun that the Legislature didn't order her office to track the data, but if lawmakers did so they would have to increase funding to add the staff to do it.

Lalli told the Sun that "the criminal justice system should be color blind," relying only on the evidence and jurors who are neutral -- regardless of race or gender.

Perhaps our criminal justice system is entirely fair and impartial for all defendants. But without the hard data on race and gender, we are missing critical factors in making such a determination.

It would be best for the Legislature to place the responsibility for collecting the data on those who administer the system, rather than on prosecutors who, by virtue of being advocates for one side of a case, may not appear to be neutral.

But until such changes are made, Clark County prosecutors should file the information completely and abide by the wishes of the Nevada Supreme Court, no matter how inconvenient it is.

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EXHIBIT 87

EXHIBIT 87

### Declaration of Adele Basye

I, Adele Basye, hereby declare as follows:

1. I was born on March 13, 1955. I currently reside in Henderson County, Texas. I was born and raised in Southern Nevada. I served as a juror in the 2005 case of State versus Marlo Thomas.
2. Prior to 2005, I had worked as an assistant to a special education teacher. I managed a lot of the paperwork dealing with psychological and sociological issues.
3. I remember the jury questionnaire being very thorough. I feel it gauged someone's ability to sit as a juror adequately. I do not feel it asked questions that were too personal. As stated on my questionnaire, my husband had been incarcerated prior to 2005. His incarceration took place before we were ever together. With my help, he has not been incarcerated since.
4. After the jury was selected, we were informed by one of the attorneys that the defendant had already been sentenced to death in his 1997 trial. We were also told that he was on death row at the time.
5. Both the prosecution and defense attorneys conducted themselves professionally during the trial. The prosecutor was fulfilling his duty, and the

defense attorney appeared to be invested in his client. The prosecutor presented evidence such as the knife, crime scene photos, bloody clothing, and a bag full of bloody money. The defense attorney covered topics such as the defendant's troubled childhood, abuse, and low IQ. Drug abuse was also discussed during the trial. These were all issues that I wanted to take into account prior to deliberating.

6. During the trial, we learned about the defendant's prison behavior. The prosecutor talked about how the defendant had been involved in multiple fights, and was often housed in segregation. While present in the courtroom, the defendant appeared to show signs of remorse for his actions. I remember the defendant submitting an apology to the victims' families. I was unable to determine the level of sincerity in the defendant's apology.
  
7. I would describe the defendant's demeanor during the trial as subdued. He was well-behaved, and no outburst took place in the courtroom. I never felt threatened by the defendant or his family. There was adequate security in the courtroom. The inmates that testified on behalf of the defendant were all in jumpsuits and shackles. I do not remember the defendant wearing shackles.

8. After all the evidence and testimony had been presented, the jury was moved into a secure room to begin the deliberation process. Many of the jurors had their minds made up before discussing any of the mitigating or aggravating factors in the case. A hand vote was conducted after we entered the deliberation room in order to see where everyone's head was at. Aside from me and another younger woman, most of the jurors had already decided to sentence the defendant to death.
  
9. I tried to explain to the rest of the jurors that all of the evidence needed to be taken into consideration before making a decision. I wanted to discuss the defendant's upbringing and what took place on the day of the crime. Many of the jurors were angry towards me and verbally expressed their opinion. More votes were conducted as I continued to express the importance of covering both mitigating and aggravating factors. It came to the point where I was the only person not set on voting in favor of the death penalty. I felt pressure from the other jurors to vote for death. Eventually, I began to think about the knife being used as a murder weapon, and the effect the victims' deaths had on their families. This realization led me to vote in favor of death.
  
10. I felt distraught after the trial had concluded. I had never served as a juror before, especially in a capital case. I feel some of the jurors were angry that

we did not reach a verdict sooner. A few of them seemed like they wanted to get it over with so they could go home.

11. Christopher Milan is the first person from the defense team to ever contact me since the trial.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Henderson County, Texas, on June 29, 2017.

  
Adele Bayse

EXHIBIT 88

EXHIBIT 88

Juror ID 100230508  
Badge # 030496

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	

JURY QUESTIONNAIRE

100230508    030496  
JUROR NUMBER    BADGE NO.

Janet D. Cunningham  
PRINT NAME

150  
DATE OF BIRTH

C0136862

Dear Prospective Juror:

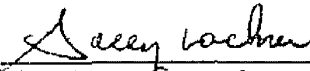
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date



SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

NO

1. Your full name: JAVET Dione Cunningham
2. Your age: 59
3. Your place of birth: St Helena Calif. USA
4. Your marital status (married divorced, single, separated):

5. Children: (names not required)

Age	Sex	Education	Occupation
<u>37</u>	<u>M</u>	<u>15 years</u>	<u>air line pilot</u>
<u>37</u>	<u>M</u>	<u>12</u>	<u>police officer metro</u>
<u>33</u>	<u>M</u>	<u>12</u>	<u>19 wheeler (was in prison)</u>
<u>25</u>	<u>F</u>	<u>12</u>	<u>Security at union hall</u>
<u>22</u>	<u>M</u>	<u>12</u>	<u>Door man at a gentlemen's club</u>

C0136862

6. How long have you lived in the Las Vegas Metropolitan area?  
*Came in Feb. 1995 20 years -*
7. Without listing an address, please describe your neighborhood.  
*14 years North Las Vegas at Owens + Eastern  
 Quite Neighborhood -*
8. What is the highest grade you have completed? *12*
9. Did you attend College or University? *NO*  
 If so, please list which college, what degree(s) you received,  
 and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? \_\_\_\_\_  
 If so, explain: *Yes ETICS for Kerpovich program in 1968 on  
 San Francisco Ca.*
11. What is the education level of your spouse or person you are  
 living with? Again, please list any advanced degrees and areas  
 of study. *High School Diploma -*
12. If you have taken courses or had training in any of the  
 behavioral sciences (e.g. psychology, sociology, counseling or  
 similar areas), please identify such courses/training by title  
 and subject matter: *NO*
13. If you have taken courses or had training in any of the legal  
 fields, (i.e. law, administration of justice, corrections, law  
 enforcement), please identify such courses/training by title  
 and subject matter: *NO*
14. If you have taken courses or had training in any of the medical  
 sciences, and in particular the medical specialty of  
 psychiatry, please identify such courses/training by subject  
 matter or title: *NO Was a licensed Chiropractic asst -  
 NV. Lic # 136*

C0136862

15. Please describe anything you remember about this case that you may have heard from any media source. None

16. Have you already formed any opinion about this case?  
Yes  No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
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None

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes  No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes  No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes  No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

Metro Step Son Kevin Romane

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: NO

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain:

24. In general, what are your opinions and feelings about how the criminal justice system works? To the best of ones

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes X No \_\_\_\_  
If yes, do you feel that person was treated fairly by the judicial system? Step-Son now serving at love lock.

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO

27. Have you or any family member or close friend ever been the victim of a crime? (If yes) do you feel justice was served?

1. NO My Husbands Motor Cycle Stolen & damaged  
We got nothing for it. My Husband is Retired

2. My husband had back surgery. The Bar broke in his back. The lawor never even filed let the case go over stat of limitations.

28. How has this experience affected your feelings about the criminal justice system? No Fair to Victims
29. Do you have any relatives or close friends of a different racial background than your own? Yes \_\_\_\_\_ No  X  
If so, please describe the relationship? \_\_\_\_\_
30. When was the last time you hosted someone of a different racial background in your home? None
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.  
NO
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.  
NO

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with two counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes \_\_\_ No   
If yes, what organizations: \_\_\_\_\_

34. Would you say that you are generally:

- a. in favor of the death penalty.
- b. generally opposed to it,
- c. would consider it in certain circumstances.
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

*in favor due to the crime*

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?  
Please explain. *NO*

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes \_\_\_ No

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?  
Please explain. *not for possibility of parole*

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much \_\_\_\_\_ Not At All X  
Somewhat \_\_\_\_\_ Not sure \_\_\_\_\_

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Robert Cunningham  
Signature

10/5/09  
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

# EXHIBIT 89

# EXHIBIT 89



~~1004~~  
BADGE # 030512

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \*

THE STATE OF NEVADA,	)	CASE NO. C 136862
	)	DEPT. NO. XV
Plaintiff,	)	
	)	
vs.	)	
	)	
MARLO THOMAS,	)	
	)	
Defendant.	)	
-----	)	

JURY QUESTIONNAIRE

100644960    030512  
JUROR NUMBER    BADGE NO.

JANET JONES  
PRINT NAME

1962  
DATE OF BIRTH

Dear Prospective Juror:

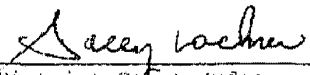
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

  
\_\_\_\_\_  
District Court Judge  
9-30-05  
\_\_\_\_\_  
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror?  Yes  No If not please explain.

Is there any reason that you could not sit as a juror on this case?

no.

1. Your full name: JANET CAROLYN JONES
2. Your age: 42
3. Your place of birth: LAS VEGAS, NV
4. Your marital status (married, divorced, single, separated):
5. Children: (names not required)

Age	Sex	Education	Occupation
<u>17</u>	<u>F</u>	<u>STUDENT</u>	
<u>14</u>	<u>M</u>	<u>STUDENT</u>	
<u>10</u>	<u>F</u>	<u>STUDENT</u>	

6. How long have you lived in the Las Vegas Metropolitan area?  
42 YEARS
7. Without listing an address, please describe your neighborhood.  
NORTHWEST
8. What is the highest grade you have completed? Grd
9. Did you attend College or University? NO  
If so, please list which college, what degree(s) you received,  
and your major: \_\_\_\_\_
10. Have you received any other special training or schooling? NO  
If so, explain: \_\_\_\_\_
11. What is the education level of your spouse or person you are  
living with? Again, please list any advanced degrees and areas  
of study. HIGH SCHOOL
12. If you have taken courses or had training in any of the  
behavioral sciences (e.g. psychology, sociology, counseling or  
similar areas), please identify such courses/training by title  
and subject matter: NONE
13. If you have taken courses or had training in any of the legal  
fields, (i.e. law, administration of justice, corrections, law  
enforcement), please identify such courses/training by title  
and subject matter: NONE
14. If you have taken courses or had training in any of the medical  
sciences, and in particular the medical specialty of  
psychiatry, please identify such courses/training by subject  
matter or title: NONE

15. Please describe anything you remember about this case that you may have heard from any media source. \_\_\_\_\_  
DO NOT RECALL THIS CASE.

16. Have you already formed any opinion about this case?  
Yes \_\_\_ No  If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
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N/A

18. Were you ever a member of the military police or shore patrol?  
NO

19. Were you ever involved in a military court martial?  
Yes \_\_\_ No  If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes \_\_\_ No  If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)  
Yes \_\_\_ No  If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: TRAFFIC CASE - SETTLED OUT OF COURT

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: NO

24. In general, what are your opinions and feelings about how the criminal justice system works? I THINK IT FUNCTIONS WELL ALMOST ALL OF THE TIME.

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes  No   
If yes, do you feel that person was treated fairly by the judicial system? YES.

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO

I ONCE FILED A SMALL CLAIMS CASE OVER A TRAFFIC ACCIDENT & RECEIVED REPAYMENT FOR THE AUTO DAMAGE.

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO YES. YES - THE COURT SYSTEM TOOK APPROPRIATE ACTION.